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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,262

04/26/2006

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EXAMINER

TOPGYAL, GELEK W

ART UNIT

PAPER NUMBER

2621

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,262	Applicant(s) JONES, RICHARD EARL	
	Examiner GELEK TOPGYAL	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 6 and 12 recites the same condition as the last paragraphs of claims 1 and 7, respectively, however, for the same condition of wherein when only said first audio component is available/contained in the signal, the first audio component can be recorded as a stereo audio and mono stream.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Moon et al. (US 6,813,281).

Regarding claims 1 and 13, Moon et al. teaches a method comprising the steps of: receiving audio components of a signal (col.3 , lines 46-54 teaches of a recorder that

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is able to record/reproduce a broadcast video signal); enabling recording of a first audio component of said signal as a mono audio component and recording a second audio component of said signal as a second mono audio component (Fig. 2, last example and col. 3, lines 46-54 teaches of recording a first CH0 data and a second CH1 data as separate mono streams); and enabling recording of said first audio component as stereo audio components when only said first audio component is contained in said signal (col. 3, lines 23-31 teaches of the different formats that can be recorded and if the broadcast signal only has one audio component, 2ch DATA is recorded as Left and Right audio channels).

Regarding claim 2, Moon et al. teaches the claimed wherein said first audio component comprises a primary audio component of a video program content (col. 1, lines 31-37 and col. 3, lines 32-37 teaches of broadcasting video with several audio components).

Regarding claim 3, Moon et al. teaches the claimed wherein said second audio component comprises a secondary audio program content (col. 1, lines 31-37 and col. 3, lines 32-37 teaches of broadcasting video with several audio components).

Regarding claim 4, Moon et al. teaches the claimed wherein further comprising the step of enabling recording of said first audio component as a mono audio component when only said first audio component is contained in said signal, said first audio component being a mono audio component (As similarly discussed in claim 1 above, Fig. 3 teaches of 1ch DATA being recorded as a mono audio stream).

Regarding claim 5, Moon et al. teaches the claimed wherein when each of said first and said second audio components are recorded, they are recorded as encoded mono audio streams (col. 3 ,lines 46-64 teaches that the first and second audio components are encoded and recorded as CH0 and CH1 audio data).

Regarding claim 6, Moon et al. teaches the claimed wherein when only said first audio component is available from said signal, said first audio component is then recorded as a mono encoded stereo stream (As similarly discussed in claim 1 above, Fig. 3 teaches of 1ch DATA being recorded as a mono audio stream).

Apparatus claims 7-12 are rejected for the same reasons as discussed above in method claims 1-6, respectively.

Method claim 14 is rejected for the same reasons as discussed in claim 4 above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art teaches system that are capable of recording broadcast video and audio signals in which several audio components for a given program is present.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/
Examiner, Art Unit 2621

/JAMIE JO VENT ATALA/
Examiner, Art Unit 2621